

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:17-cv-02468-VSB
Internal Use Only

Rinde et al v. Crone et al
Assigned to: Judge Vernon S. Broderick
Cause: 28:1452 R&R re motions to remand (non-core)

Date Filed: 04/05/2017
Date Terminated: 04/24/2017
Jury Demand: None
Nature of Suit: 370 Other Fraud
Jurisdiction: Federal Question

Plaintiff

Jeffrey A. Rinde

represented by **Lawrence E Tofel**
Tofel Troup & Partners, LLP
730 Third Avenue , 25th Flr.
New York, NY 10022
212-752-0007
Fax: 212-752-8881
Email: letofel@tofelloaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

CKR Global Advisors, Inc.

represented by **Lawrence E Tofel**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Susan Crone

represented by **James Kenneth Landau**
Ellenoff Grossman & Schole, LLP
1345 Avenue of the Americas, 11th Floor
New York, NY 10105
212-370-1300
Fax: 212-895-7210
Email: jlandau@egslp.com
ATTORNEY TO BE NOTICED

Defendant

Gary Gorham

represented by **Gregory A. Blue**
Riker Danzig Scherer Hyland Perretti,
LLP(NYC)
500 Fifth Avenue, Ste. 4920
New York, NY 10110
212-302-6574
Fax: 212-302-6628
Email: gblue@riker.com
ATTORNEY TO BE NOTICED

Defendant

Leonidas P. Flangas

Date Filed	#	Docket Text
04/05/2017	1	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 153148/2017. (Filing Fee \$ 400.00, Receipt Number 0208-13509948). Document filed

		by Gary Gorham. (Attachments: # <u>1</u> Summons, # <u>2</u> Complaint, # <u>3</u> Complaint Exh A, # <u>4</u> Complaint Exh B, # <u>5</u> Complaint Exh C, # <u>6</u> Complaint Exh D, # <u>7</u> Complaint Exh E, # <u>8</u> Complaint Exh F, # <u>9</u> Order to Show Cause, # <u>10</u> Affirmation, # <u>11</u> Affirmation Exh A, # <u>12</u> Affirmation Exh B, # <u>13</u> Affirmation Exh C, # <u>14</u> Affirmation Exh D, # <u>15</u> Affirmation Exh E, # <u>16</u> Affirmation Exh F, # <u>17</u> Affirmation Exh G, # <u>18</u> Affirmation Exh H, # <u>19</u> Affirmation Exh I, # <u>20</u> Request for Judicial Intervention, # <u>21</u> State Court Docket)(Blue, Gregory) (Entered: 04/05/2017)
04/05/2017	<u>2</u>	CIVIL COVER SHEET filed. (Blue, Gregory) (Entered: 04/05/2017)
04/06/2017		***NOTICE TO ATTORNEY REGARDING CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Gregory A. Blue . The following case opening statistical information was erroneously selected/entered: Cause of Action code 28:133; County code New York. The following correction(s) have been made to your case entry: the Cause of Action code has been modified to 28:1452 R&R re motions to remand (non-core); the County code has been modified to XX Out of State. (kl) (Entered: 04/06/2017)
04/06/2017		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Gregory A. Blue . The party information for the following party/parties has been modified: Leonides P. Flangas, Jeffrey Rinde . The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error. (kl) (Entered: 04/06/2017)
04/06/2017		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Vernon S. Broderick. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (kl) (Entered: 04/06/2017)
04/06/2017		Magistrate Judge Kevin Nathaniel Fox is so designated. (kl) (Entered: 04/06/2017)
04/06/2017		Case Designated ECF. (kl) (Entered: 04/06/2017)
04/06/2017	<u>3</u>	NOTICE OF APPEARANCE by James Kenneth Landau on behalf of Susan Crone. (Landau, James) (Entered: 04/06/2017)
04/12/2017	<u>4</u>	ORDER TO SHOW CAUSE: It is hereby: ORDERED, that defendants SUSAN CRONE, GARY GORHAM AND LEONIDAS P. FLANGAS show cause before this Court, Room 518 of the courthouse located at 40 Centre Street, New York, New York, on May 4, 2017 at 3:00 PM or as soon thereafter as counsel can be heard, why an Order or Orders should not be entered herein as follows: (a) remanding this case to the Supreme Court of the State of New York, County of New York (the "State Court"); (b) granting plaintiff CKR Global Advisors, Inc. ("Global Advisors") an injunction 1. compelling and affirmatively directing said defendants Susan Crone, Gary Gorham and Leonidas P. Flangas, and all employees, servants, agents, attorneys, affiliates, partners, and all other persons acting on behalf of or in concert with any of said defendants (collectively referred to herein as the "Defendants"), to forthwith deliver to Global Advisors, by delivery to its undersigned counsel, the original Certificate No. 1091 (the "Certificate") and any of the shares of stock of Akoustis, Inc. represented by such Certificate (as well as any proceeds derived therefrom) and, pending the entry of judgment in this action, preventing and enjoining Defendants from any action or omission which interferes with (or has the effect of interfering with) Global Advisors' exclusive ownership and use of such Certificate and the shares of stock represented thereby (as well as any proceeds derived therefrom); and 11. with the exception of delivery of such Certificate, any shares of Akoustis, Inc. stock as well as any proceeds derived therefrom to Global Advisors as aforesaid, enjoining, preventing and precluding Defendants, or any of them, from disposing of or taking any action or engaging in any conduct or transaction involving, concerning, relating to or with respect to the Certificate or any of the shares of stock of Akoustis, Inc. represented by such Certificate, including, but not limited to using, transferring, encumbering, pledging, assigning, conveying, hypothecating or liquidating said Certificate, the shares of Akoustis, Inc. stock represented thereby, as well as any proceeds derived therefrom and/or any interest therein or in any of the foregoing; and (c) granting

		<p>plaintiffs such other and further relief that this Court may deem just and proper; and IT IS FURTHER ORDERED, that no bond or Undertaking is required in support of or as a condition of such injunction in light of Global Advisors' ownership of the Certificate and shares of stock represented thereby; and IT IS FURTHER ORDERED that sufficient cause having been shown therefor, pending (i) the hearing and determination of Global Advisors' application for remand and (ii) further proceedings in the State Court by Global Advisors for a preliminary injunction, pursuant to New York's CPLR §§ 6301 and 6313, each defendant and all employees, servants, agents, attorneys, affiliates, partners, and all other persons acting on behalf of or in concert with any of said defendants (including their respective or collective counsel), is hereby temporarily restrained and enjoined from disposing of or taking any action or engaging in any conduct or transaction involving, concerning, relating to or with respect to the Certificate, any of the shares of stock of Akoustis, Inc. represented by such Certificate as well as any proceeds derived therefrom, including, but not limited to using, transferring, encumbering, pledging, assigning, conveying, hypothecating or liquidating said Certificate, the shares of Akoustis, Inc. stock represented thereby, any proceeds derived therefrom and/or any interest therein or in any of the foregoing; and IT IS FURTHER ORDERED that sufficient cause having been shown, let service of a copy of this Order, together with the papers upon which it was granted, be made upon Defendants by overnight mail upon each such defendant (or their counsel) on or before April 13, 2017, be deemed good and sufficient service thereof; and IT IS FURTHER ORDERED that answering papers, if any, for hearing on the application for remand and a preliminary injunction shall be served upon the attorneys for plaintiff Global Advisors by delivering copies thereof via email and overnight mail to its office and address as follows: Lawrence E. Tofel, Esq., LAWRENCE E. TOFEL, P.C., 163 Washington Ave., Suite SB, Brooklyn, NY 11205, letofel@tofellow.com, on or before 5:00 o'clock PM on April 24, 2017; and IT IS FURTHER ORDERED that plaintiff Global Advisors shall serve its reply papers upon the Defendants by ECF or overnight or email to them or their counsel, on or before May 1, 2017. (Show Cause Hearing set for 5/4/2017 at 03:00 PM in Courtroom 518, 40 Centre Street, New York, NY 10007 before Judge Vernon S. Broderick.) (Signed by Judge Vernon S. Broderick on 4/12/2017) (cla) Modified on 4/24/2017 (cla). (Entered: 04/12/2017)</p>
04/12/2017	<u>5</u>	NOTICE OF APPEARANCE by Lawrence E Tofel on behalf of CKR Global Advisors, Inc., Jeffrey A. Rinde. (Tofel, Lawrence) (Entered: 04/12/2017)
04/15/2017	<u>6</u>	FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court</i> . Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde. Return Date set for 5/4/2017 at 03:00 PM. (Attachments: # <u>1</u> Affidavit Affirmation in Support of OSC, # <u>2</u> Exhibit Exhibit A to Affirmation in Support Part 1 of 2)(Tofel, Lawrence) Modified on 4/17/2017 (db). (Entered: 04/15/2017)
04/15/2017	<u>7</u>	FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 2a of 2</i> . Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde. Return Date set for 5/4/2017 at 03:00 PM.(Tofel, Lawrence) Modified on 4/17/2017 (db). (Entered: 04/15/2017)
04/15/2017	<u>8</u>	FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex A to affirmation in support parts 2a and 2b 2</i> . Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde. Return Date set for 5/4/2017 at 03:00 PM. (Attachments: # <u>1</u> Exhibit Ex A Part 2b of 2)(Tofel, Lawrence) Modified on 4/17/2017 (db). (Entered: 04/15/2017)
04/15/2017	<u>9</u>	FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 1 of 3</i> . Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde. Return Date set for 5/4/2017 at 03:00 PM.(Tofel, Lawrence) Modified on 4/17/2017 (db). (Entered: 04/15/2017)
04/15/2017	<u>10</u>	FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 2a of 3</i> . Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde. Return Date set for 5/4/2017 at 03:00 PM.(Tofel, Lawrence)

Modified on 4/17/2017 (db). (Entered: 04/15/2017)

		Modified on 4/17/2017 (db). (Entered: 04/15/2017)
04/15/2017	<u>11</u>	FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 2b of 3.</i> Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde. Return Date set for 5/4/2017 at 03:00 PM.(Tofel, Lawrence) Modified on 4/17/2017 (db). (Entered: 04/15/2017)
04/15/2017	<u>12</u>	FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 3 of 3.</i> Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde. Return Date set for 5/4/2017 at 03:00 PM.(Tofel, Lawrence) Modified on 4/17/2017 (db). (Entered: 04/15/2017)
04/15/2017	<u>13</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court. Affidavit of service of OSC and supporting papers.</i> Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde. Return Date set for 5/4/2017 at 03:00 PM.(Tofel, Lawrence) Modified on 4/17/2017 (db). (Entered: 04/15/2017)
04/15/2017		(Court only) ***Motion(s) terminated: <u>6</u> EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court</i> filed by Jeffrey A. Rinde, CKR Global Advisors, Inc. (db) (Entered: 04/17/2017)
04/15/2017		(Court only) ***Motion(s) terminated: <u>8</u> EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex A to affirmation in support parts 2a and 2b 2.</i> filed by Jeffrey A. Rinde, CKR Global Advisors, Inc., <u>10</u> EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 2a of 3.</i> filed by Jeffrey A. Rinde, CKR Global Advisors, Inc., <u>11</u> EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 2b of 3.</i> filed by Jeffrey A. Rinde, CKR Global Advisors, Inc., <u>12</u> EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 3 of 3.</i> filed by Jeffrey A. Rinde, CKR Global Advisors, Inc., <u>7</u> EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 2a of 2.</i> filed by Jeffrey A. Rinde, CKR Global Advisors, Inc., <u>9</u> EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court; Ex B to affirmation in support part 1 of 3</i> filed by Jeffrey A. Rinde, CKR Global Advisors, Inc.. (db) (Entered: 04/17/2017)
04/15/2017		(Court only) ***Motion(s) terminated: <u>13</u> EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court. Affidavit of service of OSC and supporting papers</i> filed by Jeffrey A. Rinde, CKR Global Advisors, Inc.. (db) (Entered: 04/17/2017)
04/17/2017		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF DOCUMENT ERROR. Note to Attorney Lawrence E Tofel. Document No. 6 Order to Show Cause. This document is not filed via ECF. This document was already filed by the Court on 4/12/17, SEE 4 ORDER. Only refile the Affirmation in Support of the Order to Show Cause using the Event Type – Affirmation in Support (non-motion) found under the Event Type – Other Answers, then link to 4 ORDER. Make sure to add Exhibits incorrectly filed as documents [7–12] as ATTACHMENTS to the Affirmation. (db) (Entered: 04/17/2017)
04/17/2017		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Lawrence E Tofel to RE-FILE Document 13 EX PARTE MOTION for Preliminary Injunction <i>and to Remand to State Court. Affidavit of service of OSC and supporting papers.</i> Use the event type Affidavit of Service Other found under the event list Service of Process. (db) (Entered: 04/17/2017)
04/17/2017	<u>14</u>	AFFIRMATION of Lawrence E. Tofel, Esq in Support re: <u>4</u> Order to Show Cause,..... Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde. (Attachments: # <u>1</u> Exhibit Exhibit A to Affirmation in Support Part 1 of 2, # <u>2</u> Exhibit Exhibit A to Affirmation in support Part 2 of 2, # <u>3</u> Exhibit Exhibit B in support Part 1 of 3, # <u>4</u> Exhibit Ex B in support Part 2 of 3, # <u>5</u> Exhibit Ex B in support Part 3 of 3, # <u>6</u> Affidavit Affidavit of service of OSC and supporting papers)(Tofel, Lawrence) (Entered: 04/17/2017)

04/17/2017	<u>15</u>	LETTER addressed to Judge Vernon S. Broderick from Gregory A. Blue dated April 17, 2017 re: Automatic Referral of Case to Bankruptcy Court. Document filed by Gary Gorham. (Attachments: # <u>1</u> Exhibit Amended Standing Order of Reference, # <u>2</u> Exhibit Order in Asanda Park Avenue v. 120 East 56th)(Blue, Gregory) (Entered: 04/17/2017)
04/17/2017	<u>16</u>	LETTER addressed to Judge Vernon S. Broderick from Lawrence E. Tofel, Esq. dated April 17, 2017 re: Requesting telephone conference. Document filed by CKR Global Advisors, Inc., Jeffrey A. Rinde.(Tofel, Lawrence) (Entered: 04/17/2017)
04/18/2017	<u>17</u>	MEMO ENDORSEMENT on re: <u>16</u> Letter re: Requesting telephone conference filed by Jeffrey A. Rinde, CKR Global Advisors, Inc. ENDORSEMENT: APPLICATION GRANTED. All parties are directed to appear for a telephone conference on April 19, 2017 at 12:45 pm. Counsel for Plaintiffs is directed to email the Chambers inbox, and copy all parties, by April 18 at 5:00 p.m. to provide one dial-in number and one conference passcode that all participants will use for the April 19 telephone conference. (Telephone Conference set for 4/19/2017 at 12:45 PM before Judge Vernon S. Broderick.) (Signed by Judge Vernon S. Broderick on 4/18/2017) (cla) (Entered: 04/18/2017)
04/18/2017	<u>18</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by CKR Global Advisors, Inc..(Tofel, Lawrence) (Entered: 04/18/2017)
04/19/2017		Minute Entry for proceedings held before Judge Vernon S. Broderick: Telephone Conference held on 4/19/2017. (Court Reporter Tom Murray) (msa) (Entered: 04/19/2017)
04/20/2017	<u>19</u>	ORDER: For the reasons set forth on the record at the April 19 conference and pursuant to the standing order that automatically refers bankruptcy related cases to the Bankruptcy Court, see In re Standing Order of Reference Re: Title 11, No. 12 Misc. 32 (S.D.N.Y. Feb. 1, 2012), this case is hereby referred to the Bankruptcy Court. I note that Defendant Flangas has not appeared in this action and did not participate in the April 19 conference; however, in light of the fact that Defendant Flangas is an officer of the Court and is also an agent and/or attorney of Defendant Crone, the Order to Show cause applies to Defendant Flangas and thus he is "restrained and enjoined from disposing of or taking any action or engaging in any conduct or transaction involving, concerning or relating to or with respect to the Certificate." (Doc. 4.) (Signed by Judge Vernon S. Broderick on 4/20/2017) (cla) (Entered: 04/20/2017)
04/20/2017		Transmission to the Case Openings Clerk. Transmitted re: <u>19</u> Order Referring Case to Bankruptcy Court, to the Case Openings Clerk for case processing. (cla) (Entered: 04/20/2017)
04/24/2017	<u>20</u>	AFFIDAVIT OF SERVICE. All Plaintiffs. Document filed by Jeffrey A. Rinde, CKR Global Advisors, Inc.. (Tofel, Lawrence) (Entered: 04/24/2017)
04/24/2017	<u>21</u>	AFFIDAVIT OF SERVICE. Susan Crone served on 4/18/2017, answer due 5/9/2017. Document filed by Jeffrey A. Rinde; CKR Global Advisors, Inc.. (Tofel, Lawrence) (Entered: 04/24/2017)
04/24/2017		CASE TRANSFERRED OUT from the U.S.D.C. Southern District of New York to the United States Bankruptcy Court – Southern District of New York. (laq) (Entered: 04/24/2017)